

MEMO ENDORSED



July 18, 2025

VIA ECF

Eric J. Berger

Direct Phone 212-908-1279

Direct Fax 877-434-1068

eberger@cozen.com

Hon. Jessica G.L. Clarke
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Riverkeeper, Inc. and Save the Sound, Inc. v. National Express LLC and White Plains Bus Co., Inc.*
Docket No.: 7:24-cv-09676-JGLC

Dear Judge Clarke:

This firm represents defendants, National Express LLC and White Plains Bus Co., Inc., in the above-captioned matter. We are writing on behalf of all parties.

Please allow this letter to serve as an application for a 60-day adjournment of the (i) July 23, 2025 deadline to submit a proposed Civil Case Management Plan and Scheduling Order and joint letter; (ii) July 30, 2025 Initial Pretrial Conference; and (iii) August 6, 2025 deadline to respond to the Complaint.

As a follow-up to our May 16, 2025 request for a second extension, the undersigned continues to have discussions with plaintiffs' counsel, Reed W. Super, Esq., regarding the potential for fully resolving the matter before engaging in formal discovery and any responsive pleading or motion practice. Since May 16, 2025, defendants changed environmental consultants and provided updated SWPPPs, the parties have had productive substantive discussions, and the parties have made significant progress toward preparation and execution of a proposed consent decree. As such, all parties agree that a third 60-day adjournment will be beneficial in that it will allow the parties, their counsel and environmental consultants to continue to focus their resources toward reaching a settlement, which we believe is close.

At the end of the 60-day adjournment, *i.e.*, on or before September 22, 2025, the parties would report to the Court on their progress towards reaching a complete settlement expeditiously, and if not, will submit a proposed Civil Case Management Plan and Scheduling Order and joint letter that has been more thoroughly informed by their substantive discussions.

Hon. Jessica G.L. Clarke
July 18, 2025
Page 2

Thank you for your consideration. The parties would be pleased to answer any questions the Court may have.

Respectfully submitted,

COZEN O'CONNOR



By: Eric J. Berger

cc: *All Counsel via ECF*

Application GRANTED. Deadline to respond to the Complaint is ADJOURNED to **October 6, 2025**. By **September 22, 2025**, parties will file a joint status letter or proposed case management plan. The conference scheduled for July 30, 2025 is ADJOURNED to **October 1, 2025** at 3:00 p.m. The conference will be held remotely by Microsoft Teams. Counsel will receive Microsoft Teams log-in credentials at the email addresses listed on the docket. The public listen-only line may be accessed by dialing: 646-453-4442 | Access Code: 757578439#. The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge
Dated: July 21, 2025
New York, New York